

**MINUTES OF TORRANCE PLANNING  
COMMISSION CODE SECTION WORKSHOP**

**1. CALL TO ORDER**

The Torrance Planning Commission convened in a Code Section Workshop at 6:00 p.m. on Wednesday, July 25, 2007 in City Council Chambers at Torrance City Hall.

**2. SALUTE TO THE FLAG**

The Pledge of Allegiance was led by Plans Examiner James Noh.

**3. ROLL CALL**

Present: Commissioners Browning, Faulk, Gibson, Horwich, Weideman and Chairperson Busch.

Absent: Commissioner Uchima (excused).

Also Present: Planning Manager Lodan, Sr. Planning Associate Santana, Plans Examiner Noh and Deputy City Attorney Whitham.

Agenda Item No. 5 was considered out of order at this time

**5. ROOF DECK TOPIC**

With the aid of slides, Planning Manager Lodan reviewed information on roof decks per written material of record. He explained that the City of Torrance allows roof decks in the Hillside Overlay District via the Precise Plan process and in other residential zones via the Building Permit process and they must comply with all development standards, including height restrictions. He reported that staff surveyed 12 nearby cities and learned that most cities review roof decks through the Building Permit process and require that they comply with development standards in the specific zone. He noted, however, that four of the cities surveyed prohibit roof decks either by code or policy – Gardena, Rancho Palos Verdes, Cerritos and Rolling Hills Estates.

Commissioner Browning asked staff to differentiate between the terms balcony, deck and patio.

Planning Manager Lodan explained that, from a planning perspective, a roof deck is decking at roof level, typically, without direct access from living space; a balcony is decking adjacent to living space on upper floors; and a patio is decking at ground level. He noted that the Torrance Municipal Code does not define "roof deck."

Commissioner Horwich noted that this issue was originally brought to the attention of the Commission when a resident who does not live in the Hillside Overlay District objected to a neighbor's roof deck due to the impact on her privacy and subsequently learned that there is no protection from intrusion on privacy outside the Hillside Overlay area. He related his belief that it was inherently unfair to protect the

privacy of some residents but not others and voiced his opinion that there should be some type of review before anyone is allowed to build a roof deck in Torrance.

Chairperson Busch noted his concurrence with Commissioner Horwich's remarks.

Commissioner Browning stressed the need for a clear definition of "deck" and "balcony" should new regulations be enacted. He voiced his opinion that both roof decks and balconies should be subject to Planning Commission review due to the potential privacy impact.

Chairperson Busch invited public input.

Joan Davidson, Palos Verdes, noted that roof decks can be very intrusive and urged that regulations be enacted to grant the same protection to the rest of Torrance as in the Hillside Overlay District.

Pamela Moran, 5501 Via del Valle, indicated that she was opposed to rooftop decks because they are, in effect, third stories without ceilings and third stories are not allowed in the R-1 Zone. She stated that these outdoor living areas have the potential to severely compromise the privacy to which immediate neighbors are entitled. She expressed concerns about noise from roof decks, noting that there is nothing to act as a buffer unlike patios where there are fences and vegetation that absorb a certain amount of sound.

Judy Brunetti, 4815 Greenmeadows Avenue, urged the Commission to require some kind review process for all roof decks. Using photographs to illustrate, she reported that her neighbor added a large roof deck over a second story that has greatly intruded on her privacy. She noted that noise from the deck is exaggerated because there is no buffer and that there are also safety issues because a fall from this height would cause serious injury.

Planning Manager Lodan clarified that the Code does not explicitly prohibit a third story in the R-1 Zone and a home could have a third story as long as it is within the 27-foot height limit. He also clarified that railings are included when measuring the height of a house with a roof deck.

Plans Examiner Noh advised that railings must be at least 36 inches high.

Commissioner Gibson indicated that she thought the deck next to Ms. Brunetti's home was extremely intrusive and dangerous and she believed that all roof decks should be subject to review.

Commissioner Browning stated that he believed the City was operating under a double-standard, whereby those who live in the Hillside Overlay have their privacy protected while those who live in the "flatlands" do not.

Tricia Blanco, 22621 Gaycrest Avenue, stated that the roof deck next to Ms. Brunetti's home has had a big impact on the neighborhood and she felt it was only fair to require that roof decks undergo a review process in all areas of the City.

Eugene Dossi, 4733 Greenmeadows Avenue, echoed concerns about roof decks. He stated that he was sorry he didn't pursue this matter years ago when he had a similar situation because the deck next to Ms. Brunetti might never have been built.

Commissioner Faulk voiced his opinion that roof decks in all areas of the City should be subject to the same review process as a matter of fairness.

Planning Manager Lodan suggested the possibility of establishing development standards for roof decks to reduce the privacy impact to the point where Planning Commission review may not be necessary or at least to guide the review process.

Commissioner Browning asked about placing a moratorium on roof decks until new regulations are enacted.

Deputy City Attorney Whitham advised that the City Council would have to adopt an ordinance establishing a moratorium and the findings necessary to extend a moratorium involving residential land uses beyond 45 days are very onerous.

Planning Manager Loden questioned whether Commissioners believed the new regulations should apply only to the R-1 Zone or to all residential zones.

Commissioner Browning, echoed by Commissioner Weideman, indicated that he favored regulating roof decks in all residential zones.

Commissioner Weideman stated that he believed the definition of roof deck used by Hermosa Beach, "the walkable or otherwise usable open space area located above the roof framing of the building, the only access to which is from the floors below," was a good definition and he favored requiring a Conditional Use Permit for rooftop decks like the City of Huntington Beach.

A brief discussion ensued, and it was the consensus of the Commission to direct staff to draft recommendations for modifications to the Torrance Municipal Code to regulate roof decks for review by the Commission within 90 days.

**MOTION:** Commissioner Horwich moved to direct staff to draft recommendations for regulating roof decks for review by the Commission within 90 days. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote (absent Commissioner Uchima).

Agenda Item 6 was considered out of order at this time.

## **6. CONSTRUCTION HOURS TOPIC**

With the aid of slides, Sr. Planning Associate Santana reviewed information on hours of construction per written material of record. He reported that Torrance currently allows construction from 7:00 a.m. to 8:00 p.m., seven days a week, holidays included and that these hours are the most liberal of the 12 cities surveyed. He explained that most of the cities surveyed do not allow construction on Sundays or holidays and have shorter hours on Saturday with a later start time. He noted that the TMC does not define penalties for violating hours of construction.

Chairperson Busch voiced his opinion that Torrance's hours of construction are too liberal and should be modified and related his experience that sub-contractors often arrive well before the 7:00 a.m. start time.

Commissioner Browning indicated that he favored changing the hours of construction to 7:30 a.m. – 6:00 p.m., Monday through Friday, 8:00 a.m. – 5:00 p.m. on Saturday, with no construction on Sundays or holidays except by permission of the Community Development Department. He stated that he saw no reason to restrict the hours of construction for commercial projects unless they are adjacent to a residential area. He stressed the need for a better way to enforce hours of construction.

In response to Chairperson Busch's inquiry, Sr. Planning Associate Santana advised that Pasadena was the only city surveyed that has hours of construction that differentiate between residential and commercial projects, noting that commercial projects in Pasadena are subject to residential hours of construction if they are within 300 feet of a residential zone.

Citing recent complaints from neighbors about the CarMax project, Commissioner Weideman stated that he favored Hermosa Beach's practice of requiring a flyer to be posted at every construction project listing the contractor/owner's name and contact information along with requirements and conditions related to the project. He also favored issuing a limited number of parking permits for construction workers, which forces them to carpool or park on site, as done in Manhattan Beach.

Commissioner Browning expressed concerns that limiting parking for residential projects could be problematic because it's not unusual to have several trades working on a project at one time and it's not practical to carpool and there's no room to park on-site. He questioned the legality of prohibiting someone from parking on a public street.

Commissioner Horwich noted that while the Code allows construction until 8:00 p.m., in practice, it often stops around 5:00 or 6:00 p.m. due to darkness so he saw no reason to change the hours of construction for weekdays at this time. He indicated, however, that he would like to see the starting time changed to 9:00 a.m. on Saturdays, Sundays and holidays and the ending time changed to 6:00 p.m. He related his belief that it was important not to make the regulations too complicated for ease of enforcement.

Chairperson Busch noted that daylight savings time has been expanded so it stays light until 8:00 p.m. a good portion of the year.

Chairperson Busch invited public comment.

Jackie Decker, 23102 Carlow Road, voiced her opinion that 8:00 p.m. was much too late to allow construction because people deserve to enjoy a quiet evening at home and called for the prohibition of construction on weekends and holidays. She urged strict enforcement of regulations.

Commissioner Browning pointed out that prohibiting construction on evenings and weekends would be a hardship for homeowners doing their own remodeling projects because that could be the only time they have to work on them.

Ms. Decker stated that she would support limited hours on Saturday, but still believed there should be no construction on Sundays and holidays, and that the 8:00 p.m. ending time on weekdays was too late.

Ted Coene, 420 Camino de Encanto, noted that a homeowner doing own his remodeling would likely be doing much of the work inside the house and he would not be using tools that would disturb neighbors. He reported that he is experiencing problems with a project on his street where workers start earlier and stay later than the permitted hours of construction and he would like some peace and quiet on weekends. He indicated that he supported the idea of treating residential and commercial projects differently, but cautioned against over-regulation.

Don Barnard, 2028 Gramercy, stated that he works in construction and does not believe construction should be permitted on Sundays. He proposed allowing construction to continue until 8:00 p.m., but prohibiting the use of power tools after 6:00 p.m. to avoid disturbing neighbors.

Chairperson Busch polled Commissioners, and it was the consensus of the Commission to direct staff to draft recommendations for modifying hours of construction for review by the Commission.

Commissioner Horwich stated that he favored a later starting time on Saturdays, Sundays and holidays, as well as an earlier ending time. He indicated that would consider prohibiting construction on holidays, but would not support prohibiting construction on weekends because it could be a hardship for homeowners doing their own construction projects.

Commissioner Browning proposed the following hours: 7:30 a.m. – 6:00 p.m., Monday through Friday, 9:00 a.m. – 5:00 p.m., Saturday and Sunday, with no construction on holidays – holidays to be defined as the same as City staff observes. He stated that he would not support a ban on Sunday construction as it is not the Sabbath for everyone.

Commissioner Gibson stated that she would support the shortened hours, however, she did not believe construction should be allowed on Sunday, which has long been designated as a day of rest.

Commissioner Weideman noted that there was still some debate over the specifics and he envisioned staff bringing forward different options based on Commissioners' comments. He indicated that he definitely favored making the hours of construction more restrictive because they are the most liberal of the cities surveyed. He also voiced support for requiring a flyer to be posted at the job site with contact information and regulations/conditions related to the project. He stated that he had reconsidered regulating the parking of construction vehicles in light of Commissioner Browning's comments.

Chairperson Busch pointed out that shorter construction hours mean that a project will take longer to complete and therefore be more costly. He stated that he was inclined to support the same hours of construction as the City of Pasadena, which is the closest in size to Torrance of the cities surveyed: 7:00 a.m. – 7:00 p.m., Monday through Friday, and 8:00 a.m. – 5:00 p.m. on Saturday, but he would go along with the 9:00 a.m. start time on Saturday. He related his preference that no construction be allowed on

Sundays or holidays. He suggested that homeowners doing their own remodeling projects be exempt from the regulations, with any disturbances, such as the late night use of power tools, to be handled by existing public nuisance regulations. He voiced support for having different regulations for commercial and residential areas and for the posting of flyers with contact information and regulations/conditions on job sites. He proposed that staff be directed to return this item to the Commission within 60 days.

Commissioner Faulk noted that that having regulations/conditions posted at the job site could make them easier to enforce.

Chairperson Busch thanked Commissioners for their input on this topic, stating that he believed the discussion had been very productive.

#### **4. TENANT RELOCATION TOPIC**

With the aid of slides, Planning Manager Lodan reviewed information on tenant relocation per written material of record. He noted that the TMC requires that a developer pay a standard relocation payment when a tenant is displaced by the conversion of a two-family or multiple-family dwelling to a condominium development and that staff typically includes a special condition requiring the same tenant relocation assistance when a single-family dwelling is replaced by condominiums as a matter of fairness. He contrasted the different tenant relocation regulations in the 12 cities surveyed, noting that El Segundo, Rancho Palos Verdes and Huntington Beach do not have any tenant relocation ordinances. He suggested that the Commission may wish to consider eliminating the two-family/multi-family threshold that triggers the requirement so that all dwellings replaced by condominiums would be included and/or establishing different requirements for elderly or disabled tenants.

Chairperson Busch thanked staff for the very thorough report.

Commissioner Faulk stated that he was fundamentally opposed to tenant relocation payments because he does not believe a property owner has an obligation to pay a tenant for the right to develop his own property and he would not support any changes to current regulations.

Commissioner Horwich questioned whether there have been any complaints from tenants about relocation assistance.

Planning Manager Lodan stated that complaints usually come from developers who object to paying these fees although there have been some cases where tenants felt that they were shortchanged because they didn't fully understand what they were entitled to.

Commissioner Horwich stated that he thought the current tenant relocation payment of almost \$3,300 was extremely generous and he saw no need to make any changes at this time.

Commissioner Browning noted his agreement with Commissioner Faulk's remarks.

In response to Chairperson Busch's inquiry, Planning Manager Lodan reported that the Tenant Relocation Ordinance was adopted in the 1960s.

Chairperson Busch stated that he did not believe tenant relocation regulations take away a property owner's right to do what he wants with his property within the confines of the Code and he felt it was a matter of acting in good faith.

Commissioner Weideman stated that he also supports tenant relocation regulations and he will vote for a special condition requiring that the same assistance be provided each time a condominium project comes forward that would displace someone in a single-family home.

Commissioner Gibson noted her agreement with Commissioner Faulk's remarks.

Commissioner Browning suggested that the Commission may wish to consider eliminating the two-family/multi-family threshold so that staff will not have to continue adding a special condition requiring tenant relocation assistance for tenants in single-family dwellings.

Commissioner Weideman voiced his opinion that it only made sense to modify the Code as staff has been including this condition on a regular basis.

**MOTION:** Commissioner Browning moved to direct staff to modify TMC §91.36.8, the Tenant Relocation Ordinance, so that it is applicable to all dwellings. The motion was seconded by Commissioner Weideman and failed to pass as reflected in the following 3-3 roll call vote:

AYES: Commissioners Browning, Weideman and Chairperson Busch.

NOES: Commissioners Faulk, Gibson and Horwich.

Don Barnard, 2028 Gramercy, voiced support for the Tenant Relocation Ordinance, noting that moving is traumatic and tenants are often priced out of the market in Torrance.

## **7. ADJOURNMENT**

At 8:30 p.m., the meeting was adjourned to Wednesday, August 1, 2007 at 7:00 p.m.

Approved as Submitted September 5, 2007 s/ Sue Herbers, City Clerk
--